

HIGH COURT OF SIKKIM
Record of proceedings

R.F.A. No. 4 of 2018

M/S THOMAS ENTERPRISES & ANR.

.... APPELLANTS

VERSUS

M/S YUKSOM BREWERIES LTD.

.... RESPONDENT

Date:02.04.2019

CORAM

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Appellants : Mr. Anmole Prasad, Senior Advocate with Mr.
Sagar Chettri and Ms. Anita Pariyar, Advocates.

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I.A. No.05/2019

This is an application seeking condonation of delay for six days in depositing Rs.40 lakhs before this Court as undertaken by the Appellants in I.A. No 04 of 2019 which was permitted by this Court on 22.02.2019. The Appellants states that the delay of six days has been occasioned due to the second Appellant's ill health. Examined the application. Heard Mr. Anmole Prasad, learned Senior Advocate for the Appellants. Application is allowed. Delay is condoned.

R.F.A. No. 04/ 2018

The Supreme Court had directed the Appellants to deposit an amount of Rs.40 lakhs in the High Court vide Order dated 03.12.2018. The Registry of this Court has notified the receipt of the cheque of Rs.40 lakhs and deposit of the same in the current

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account maintained in the name of the Registrar General of this Court. The said amount may be kept in a fixed deposit by the Registry.

Issue notice upon the Respondent returnable within three weeks subject to filing of requisites within three days.

Mr. Anmole Prasad, learned Senior Advocate for the Appellants submit that although at the time of the filing of the present appeal no execution petition had been filed however, on 03.11.2018 Civil Execution Case No.2 of 2018 has been preferred before the learned District Judge, South Sikkim at Namchi which is listed on 16.04.2019. Mr. Anmole Prasad, learned Senior Advocate draws attention of this Court to the Order passed by the Supreme Court dated 03.12.2018 directing that on deposit of Rs.40 lakhs the execution proceeding be kept in abeyance. In view of the same, the execution proceeding shall be kept in abeyance.

I.A. No.01/2018

Issue notice upon the Respondent.

Dasti in addition permitted.

List on 21.05.2019.

Judge
02.04.2019